

### **REMARKS**

Applicant respectfully requests reconsideration of the instant application in view of the foregoing amendments and following remarks. Claims 1-92 are currently pending in the application. Claims 1-92 have been amended by way of this Response. Applicant submits that support for the amendments may be found throughout the originally filed specification, drawings and claims, and that no new matter has been added by way of this Response.

#### **Rejections under 35 USC § 103**

The Examiner has rejected claims 1-92 under 35 USC § 103(a) as allegedly being unpatentable over Lee et al., U.S. Patent no. 6,535,883 (hereinafter, "Lee") in view of Bahrs et al., U.S. Patent no. 6,654,932 (hereinafter, "Bahrs"). Applicant respectfully traverses the Examiner's rejections and submit that the Examiner has not established a *prima facie* case of obviousness and that the pending claims are patentably distinct from the cited references, taken alone or in combination, for at least the following reasons.

MPEP § 706.02(j) prescribes that a rejection under 35 U.S.C. § 103 should set forth:

- (i) the relevant teachings of the prior art relied upon,
- (ii) the differences in the claim over the applied references,
- (iii) the proposed modification of the applied references to arrive at the claimed subject matter, and
- (iv) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

Applicant submits that the rejections in the pending Office Action do not establish each of these requirements.

Applicant submits that the rejections in the February 4, 2008 Office Action fail to establish the relevant teachings of the prior art relied upon and differences in the claim over the

applied references by not addressing every claim limitation and by over-generalizing cited references. The MPEP prescribes that, "when evaluating the scope of a claim, *every limitation in the claim must be considered*," [§ 2106 II(C), emphasis added] and, "*All words in a claim must be considered in judging the patentability of that claim against the prior art.*" [§ 2143.03, emphasis added].

Applicant submits that none of the references cited against the pending claims discuss or render obvious at least, "retrieving customizable inheritable validation rules appropriate for the retriever's input analysis capabilities from a hereditary rules library," as recited in independent claim 1. In the February 4, 2008 Office Action, the Examiner acknowledges that, "Lee does not explicitly teach retrieving customizable validation rules appropriate for the retriever's input analysis capabilities from a hereditary rules library," but proceeds to allege that, "Bahrs teaches a hereditary rules library having customizable validation rules was known in the pertinent art, at the time applicant's invention was made, to extend the validation rules (i.e. a class that extends ValidationRule is created in step 3202 in Fig. 32; col. 31 lines 49-53." (See, Office Action, p. 3, ¶ 1). Applicant respectfully traverses the Examiner's argument and submits that Bahrs does not discuss or render obvious at least, "retrieving customizable inheritable validation rules appropriate for the retriever's input analysis capabilities from a hereditary rules library," as recited in independent claim 1. Instead, Applicant submits that Bahrs discusses a centralized validation rules library having ordinary validation rules. The passage cited by the pending rejection as allegedly discussing the claim element (col. 31, lines 49-53) merely describes the "central maintainability of the rules and reuse across all other subsystems and applications." However, there is no discussion of, "customizable inheritable validation rules," or, "a hereditary rules library," as recited in claim 1.

As none of the references cited against the pending claims discuss or render obvious at least "retrieving customizable validation rules appropriate for the retriever's input analysis capabilities from a hereditary rules library," Applicant respectfully requests withdrawal of this basis for rejection. Should the Examiner disagree and maintain the rejection, Applicant respectfully requests additional clarification and specific citation from the cited references for "retrieving customizable validation rules appropriate for the retriever's input analysis capabilities from a hereditary rules library" as recited in claim 1.

Furthermore, Applicant submits that the rejection in the February 4, 2008 Office Action has not established why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made by not discussing the level of ordinary skill in the art at the time of the invention and by applying impermissible hindsight.

MPEP § 2141 (II)(C) states, "Any obviousness rejection should include, either explicitly or implicitly in view of the prior art applied, an indication of the level of ordinary skill." The pending rejection refers to, "one of ordinary skill in the art," (See, e.g., Office Action, p. 3, ¶ 1) but has provided no indication or discussion of which art is described or the level of ordinary skill associated therewith. The rejection's reference to "the art" is overly general and, consequently, does not provide a specific indication of the level of ordinary skill pertinent to the claimed subject matter. MPEP § 2141.03 (III) states, "The importance of resolving the level of ordinary skill in the art lies in the necessity of maintaining objectivity in the obviousness inquiry." Applicant submits that impermissible hindsight has been applied in asserting obviousness of the various claim elements without providing an indication of the level of ordinary skill. As such, Applicant respectfully requests that, if the Examiner maintains this rejection, the Examiner discuss the level of ordinary skill in the art at the time of the invention

and clarify how the claimed subject matter would have been obvious to one possessing that level of skill.

Applicant also submits that the pending rejection has applied impermissible hindsight in formulating explanations as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made. By way of example only, Applicant points to the argument at p. 3, ¶ 1 of the Office Action, where the Examiner states, "The modification would be obvious because one having ordinary skill in the art would be motivated to reuse validation logic with very little code by using inheritance as taught by Bahrs." Though the rejection provides a description of a possible advantage of the described combination of elements, it includes no explanation as to why the alleged advantage would have been evident to one of ordinary skill at the time of the invention. Accordingly, Applicant submits that the rejection has applied impermissible hindsight and respectfully request reconsideration and withdrawal of this basis of the Examiner's rejection. Should the Examiner maintain the rejection, Applicant respectfully requests clarification as to how the described combination would have been evident to one of ordinary skill at the time of the invention based on verifiable evidence predating Applicants' invention.

MPEP § 2142 provides that, "If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." Applicant contends that a *prima facie* case of obviousness has not been established for at least the reasons given above. Nevertheless, Applicant has amended claims 1-92 and provided the following discussion to provide clarification and to more accurately track Applicant's current practices. Applicant maintains that the claims in their original form are not anticipated or rendered obvious

by the cited references taken alone or in combination and reserves the right to return to that form and argue patentability at a later time.

Amended independent claim 1 recites, *inter alia*, "identifying a retriever's input analysis capabilities," and, "retrieving customizable inheritable validation rules appropriate for the retriever's input analysis capabilities from a hereditary rules library stored in a memory device." This contrasts the system discussed in Bahrs, where the validation rules are not inheritable and no identification of retriever input analysis capabilities takes place. By way of example only, Applicant notes that Bahrs does not discuss or render obvious classing and sub-classing of validation rules. Accordingly, Applicants respectfully request withdrawal of this basis for rejection. Should the Examiner disagree, Applicants respectfully request clarification as to how Bahrs discusses "customizable inheritable validation rules" and "a hereditary rules library," in accordance with the four MPEP requirements discussed above.

Although of different scope than claim 1, Applicant submits that amended independent claims 7, 13, 19, 25, 30, 35, 40, 45, 51, 57, 63, 69, 75, 81, and 87 include claim elements similar to that described above with reference to independent claim 1 and, accordingly, are patentable over Lee in view of Bahrs for at least similar reasons as discussed above identifying deficiencies in both Lee and Bahrs with respect to independent claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection for these claims as well.

Furthermore, Applicant submits that claims 1-6, 8-12, 14-18, 20-24, 26-29, 31-34, 36-39, 41-44, 46-50, 52-56, 58-62, 64-68, 70-74, 76-80, 82-86 and 88-92, which directly or indirectly depend from independent claims 1, 7, 13, 19, 25, 30, 35, 40, 45, 51, 57, 63, 69, 75, 81, and 87, are also not discussed or rendered obvious by Lee's system, which discusses tree

interfaces for generating validation rules, and Bahrs, which discusses centralized validation rule libraries containing ordinary validation rules as discussed above, taken alone or in combination. Accordingly, Applicant respectfully request reconsideration and withdrawal of the Examiner's rejection for these claims as well.

## CONCLUSION

Consequently, the reference(s) cited by the office action do not result in the claim elements, there was/is no reason, rationale or motivation (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)) for such a combination of references, and the claimed inventions are not admitted to be prior art. Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 1-92 all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements were not discussed here or in previous amendments/responses, Applicant asserts that all such remaining and not discussed claim elements, all, also are distinguished over the prior art and reserves the opportunity to more particularly remark and distinguish such remaining claim elements at a later time should it become necessary. Further, any remarks that were made in response to an Examiner objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Examiner objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim elements have been anticipated and/or rendered obvious by any of the cited reference(s). Accordingly, Applicant respectfully requests allowance, and the reconsideration and withdrawal of the rejection(s) and/or objection(s).

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

### **AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17200-074US1. In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17200-074US1.

Respectfully Submitted,  
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